

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 5:03-cr-24 (DCB) (JCS)

CHASTITY WILLIAMS

ORDER

This cause is before the Court on the defendant Chastity Williams' motion to modify sentence and for additional downward departure (**docket entry 207**), which the Court construes as a motion to modify sentence pursuant to Fed.R.Crim.P. 35. Having carefully considered the motion and the government's response, and being fully advised in the premises, the Court finds as follows:

The defendant has not filed an appeal of her sentence pursuant to 18 U.S.C. § 3742. She admits that she accepted the government's sentencing recommendations, and that the Court imposed sentence within the recommendations. Defendant's Motion, p. 1. She alleges that she has truthfully provided all information she has to the government concerning her co-defendants and others.

Rule 35 of the Federal Rules of Criminal Procedure does not afford the Court the power to change Ms. Williams' sentence. The Rule allows courts to correct clear sentencing errors on their own motions within seven days of the entry of the sentence. It also provides that the government may make a motion to reduce an inmate's sentence for "substantial assistance" in convicting other

malfeasors. See Fed.R.Crim.P. 35. This Court entered Ms. Williams' sentence in January of 2005. The time has clearly passed to find clear error. At the time of sentencing, the government moved the Court, pursuant to Section 5k1.1 of the United States Sentencing Guidelines, to downwardly depart from the guidelines based upon the substantial assistance given by the defendant. The Court granted the motion and reduced the defendant's sentence accordingly. The government informs the Court that "[s]ince that time, there has been no further substantial assistance sought from, or given by, this defendant." Government's Response, p. 1.

Inasmuch as the defendant has failed to show any grounds for modification of her sentence, and the government has made no additional motion to reduce her sentence, the defendant's motion must be denied. Accordingly,

IT IS HEREBY ORDERED that the defendant's motion to modify sentence and for additional downward departure (**docket entry 207**) is DENIED.

SO ORDERED, this the 15th day of February, 2006.

s/David Bramlette
UNITED STATES DISTRICT JUDGE